

Appl. No. 09/450,023
Reply to Office Action of September 13, 2007
Amdt. Dated October 15, 2007

REMARKS

In response to the Notice of Non-Compliant Amendment of September 13, 2007, applicant has re-numbered the claims accordingly. The current claims are in now in ascending numerical order.

Applicant hereby submits this amendment based on the discussions with the Examiner during the previous telephone interview. Applicant respectfully submits that the claim modifications provide the clarification sought by the Examiner and remain patentably distinct over the prior art references of record. Applicant thanks the Examiner for the courtesy of the telephone interview and requests that the Examiner contact the undersigned via telephone regarding any further comments concerning the claim language set forth herein.

Additionally, Applicant has modified the claims in the instant application to further highlight the differences between the present invention and the prior art cited in both this application and the related applications currently being handled by the Examiner handling the instant application. More specifically, Applicant notes that in application serial number 10/058,490 the Examiner has rejected the claims in that application based on the newly cited Aycock and Erickson references. Applicant submits that the modified claims remain allowable in light of the new references as well as all remaining references of record.

Applicant respectfully submits that the prior art references of record fail to either teach or suggest Applicant's presently claimed invention. More specifically, by this amendment, Applicant has modified the independent claim to further require that prior to receiving job data from a buyer pertaining to a job for which the buyer seeks a vendor, the system receives electronic communications from a plurality of vendors, which are used in

Appl. No. 09/450,023
Reply to Office Action of September 13, 2007
Amdt. Dated October 15, 2007

establishing a plurality of vendor records stored in an electronic memory associated with the computer system. Applicant submits that neither of the newly cited references, nor any of the remaining references of record provide any teaching or suggestion whatsoever regarding this approach to the formation of the vendor records used by the system.

In sharp contrast with the present invention, the subject matter described in Aycock clearly indicates that the RFP for which bids are being sought is utilized in determining the appropriate inquiry that is to be made upon the vendors for determining whether they should receive the RFP for this specific job. Thus the reference only describes the use of information from the job data in defining the vendor records. This contrasts sharply with the present invention wherein the vendor records are established prior to receiving job data from a buyer pertaining to a job for which the buyer seeks a vendor.

Furthermore, the claims also require that each buyer using the system generate an electronic communication providing information identifying a plurality of vendors for inclusion in a pool of vendors associated with said buyer, wherein the system stores electronic data sufficient to identify every vendor pool and its association with a corresponding buyer based upon the buyer transmitted vendor pool identification information which occurs prior to analysis of job data pertaining to a job for which bids are sought by or on behalf of the buyer.

This step is performed separate and apart from the creation of the vendor records which, as noted above, are created without regard to the job data. The claims in the instant application specify that each buyer using the system identifies a plurality of vendors for inclusion in a pool of vendors. All of the prior art references made of record in this

Appl. No. 09/450,023
Reply to Office Action of September 13, 2007
Amdt. Dated October 15, 2007

application and the related applications rely upon the use of some information from the job data for which a bid or request for proposal is sought for the purpose of defining or identifying one or more vendors which are to receive a request for proposal or bid.

The end result is that none of the newly cited references provide anything more than the previously discussed references which rely upon job characteristics such as geographic information or certain technical requirements that are initially utilized in the prior art systems for defining a vendor base that meet certain minimum criteria associated with a particular job that is to be purchased by a buyer. The newly cited references are thus no better than the previously cited Walker reference which described a system wherein a purchaser of expert services was able to selectively identify experts having generally similar or apparently desired qualifications based on conventional automated searching techniques such as keyword searching and the like.

Applicant has also submitted concurrently herewith an Information Disclosure Statement which incorporates marketing materials directed to prior art techniques for distributing invitations for bid from buyers to vendors of goods and services. It is important to recognize that these prior art references are being submitted in an abundance of caution but it is not believe that these references are any more pertinent than those already made of record in the instant application. More specifically, the documents submitted in the accompanying Information Disclosure Statement are merely directed to techniques for distributing invitations for bid wherein a significant manual undertaking was involved in order to achieve a desired bid distribution and award process.

Appl. No. 09/450,023
Reply to Office Action of September 13, 2007
Amdt. Dated October 15, 2007

In the techniques described in the concurrently submitted marketing materials, the bidding process management operation provided a manual review of physical documents received from potential suppliers or vendors concerning various characteristics of the supplier company. Based on this review, the bidding process management operation provided recommendations concerning the identification of suitable vendors to be used by the purchaser of goods and/or services. Recommendations concerning potential vendors for a buyer of goods and/or services were transmitted to the buyers typically via telephone communication and/or facsimile transmission of a document.

The prior art approach relied upon the physical transfer of specifications for goods and/or services to be purchased from a buyer to the bidding process management operation. The bidding process management operation then manually reviewed the physically transferred specification information which was then manually altered to provide an appropriate formatting of the specification information. The manually altered specification information was then transferred to approved vendors and document copies of vendor bids were thereafter submitted to the bidding process management operation. The document copies of the vendor bids were thereafter manually reviewed and data from the manually reviewed physical copies of the vendor bids was used in determining an award of the bid.

Significantly, even the new prior art references submitted herewith do not disclose or even remotely suggest a system wherein each buyer using the system generates an electronic communication providing information identifying a plurality of vendors for inclusion in a pool of vendors associated with said buyer, wherein the system stores electronic data sufficient to identify every vendor pool and its association with a corresponding buyer based

Appl. No. 09/450,023
Reply to Office Action of September 13, 2007
Amdt. Dated October 15, 2007

upon the buyer transmitted vendor pool identification information which occurs prior to analysis of job data pertaining to a job for which bids are sought by or on behalf of the buyer.

Furthermore, there is no disclosure or suggestion of the fully automated and convenient systems and methods of the present invention for selectively transmitting an invitation for bid to only qualified members of a buyer's designated vendor pool.

In light of the foregoing, Applicant respectfully submits that the prior art references cited by the Examiner and the newly submitted references fail to either teach or suggest the presently claimed invention and accordingly Applicant submits that all claims now stand in condition for allowance.

Respectfully submitted,

Date: 10/15/07


Robert J. Depke

ROCKEY, DEPKE, & LYONS, LLC.
233 S. Wacker Drive, Suite 5450
Chicago, Illinois 60606
Tel: (312) 277-2006
Attorney for Applicants

(Reg. #37,607)